

## **CHAPTER 5**

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# **CONSULTATION AND COORDINATION**



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### Preview of this Section

This section summarizes the public involvement and scoping and public comment process conducted for the preparation of the Draft PEIS and BA. Summaries of agency and government-to-government consultation are provided. The individual preparers, with their areas of expertise and/or responsibility, are also listed.

### Public Involvement

#### Federal Register Notices and Newspaper Advertisements

The BLM published a Federal Register Notice of Intent (Notice) on December 21, 2012 (Federal Register, Volume 77, Number 246, Pages 75648-75649). The BLM also released a press release concurrent with the Notice. The Notice asked the public to provide comments on the proposal to use aminopyralid, fluroxypyr, and rimsulfuron in its vegetation treatment activities, and to identify issues that should be considered in the PEIS. The Notice provided the locations and dates of the public scoping meetings, and stated that public comments on the proposal would be accepted until the close of the scoping period, or 15 days after the last public meeting, whichever was later. The press release indicated that the public comment period for the scoping process was 60 days.

Public notices of the scoping period and public meetings were placed in newspapers serving areas in or near locations where the meetings were held.

#### Scoping Meetings

Three scoping meetings were held within the geographic area covered by the project. One meeting was held in Worland, Wyoming (January 7, 2013), one was held in Reno, Nevada (January 9) and one was held in Albuquerque, New Mexico (January 10). The scoping meetings were conducted in an open-house style. Informational displays were provided at the meetings, and handouts describing the project, the

NEPA process, and issues and alternatives were given to the public. A formal presentation provided the public with additional information on program goals and objectives. At each meeting, the presentation was followed by a question and answer session.

The BLM received 26 requests to be placed on the project mailing list from individuals, organizations, and government agencies, and 43 written comment letters or facsimiles on the proposal. In addition, to written comments received at the scoping meetings, four individuals provided oral comments. As most of the comment letters provided multiple comments, a total of 225 individual comments were catalogued and received during the public scoping period.

*A Scoping Summary Report for Vegetation Treatments Using Aminopyralid, Fluroxypyr, and Rimsulfuron on Bureau of Management Lands in 17 Western States Programmatic EIS* (AECOM 2013) was prepared that summarized the issues and alternatives identified during scoping.

### Frequently Asked Questions

The BLM posted a list of frequently asked questions (FAQs) to the project website, with handouts of the same information provided at the public meetings. The FAQ handout discussed the BLM's proposed project, including where the proposed activities would occur. The handout also discussed the PEIS development process and potential issues to be examined in the PEIS, and detailed the public comment opportunities and instructions.

### Public Review and Comment on the Draft Programmatic EIS

The Notice of Availability of the *Draft Programmatic Environmental Impact Statement for Vegetation Treatments Using Aminopyralid, Fluroxypyr, and Rimsulfuron on Bureau of Land Management Lands in 17 Western States* was published in the Federal Register on June 19, 2015. On the same date, the BLM issued a press release notifying the public that the Draft PEIS was available for public review and comment. The

Draft PEIS and supporting documentation were posted to a BLM website, where the public was able to download a copy of these documents. Copies of the documents were available upon request and for public inspection at all BLM state, district, and field office public rooms.

A total of 98 substantive comments were received on the Draft PEIS. Comments were received via letter, electronic mail, and facsimile. A summary of the comments received, issues identified, and specific comments and responses are presented in Chapter 6 of this PEIS. All comments are reproduced in the CD of supporting documentation.

### **Agency Coordination and Consultation**

#### **Endangered Species Act Section 7 Consultation**

The BLM initiated informal consultation with the USFWS and NMFS (the Services) in February 2014. A BA evaluating the likely impacts to listed species (and species proposed for listing) and critical habitat from the proposed action, and presenting programmatic level conservation measures to minimize impacts to these species, was submitted to the Services for their review and comment. An Essential Fish Habitat Assessment, as required under the Magnuson-Stevens Fishery Management Act, was submitted as an appendix to the BA.

After receipt and review of the BA, the BLM and the Services held several meetings to discuss the document and to respond to information requests from the Services. Meetings/conference calls were held on May 28, June 12, June 23, July 30, August 20, September 3, November 6, 2014, and January 9, 2015. The Services provided comments on the BA in July 2014, and subsequent discussions provided resolutions to issues that were raised in the review comments.

Consultation letters were submitted by the Services in October, 2015. Copies of these letters are provided in the CD of supporting documentation that accompanies this PEIS.

#### **Risk Assessment Coordination**

Ecological and human health risk assessments for aminopyralid, fluroxypyr, and rimsulfuron were

prepared in accordance with the protocols that were developed for risk assessments prepared for the 2007 PEIS. In 2002, The BLM convened a group of scientists from the USEPA, USFWS, NMFS, BLM, and its contractor, ENSR Corporation, to work cooperatively to develop protocols for conducting HHRAs and ERAs that would meet agency guidelines and scientific and public scrutiny. Weekly conference calls were held among the participants beginning in May 2002, and continuing through November 2002. A meeting was held in Boise on September 12 and 13, 2002, and in Denver, Colorado, on November 5 and 6, 2002, to discuss the risk assessment protocols. Conference calls were held intermittently from November 2002 through July 2003 to resolve remaining issues related to the protocols. Conference calls were also held among agency participants during preparation of the risk assessments. The final HHRA and ERA protocols were finalized and submitted to the Services and USEPA in August 2003. These protocols detail the methodology used to evaluate ecological and human health risks associated with the use of chemicals for controlling invasive vegetation and to determine whether these chemicals are safe for use by the BLM. The risk assessments evaluated a variety of possible exposure scenarios.

### **Cultural and Historic Resource Consultation**

The BLM consulted with State Historic Preservation Officers as part of Section 106 consultation under the National Historic Preservation Act to determine how treatments with the three new herbicides could impact cultural resources listed on or eligible for inclusion in the National Register of Historic Places. Formal consultations with State Historic Preservation Officers and Indian Tribes also may be required during implementation of individual projects. Consultations with State Historic Preservation Officers are ongoing and will be completed by the time of the signing of the ROD.

### **Government-to-government Consultation**

Federally recognized tribes have a unique legal and political relationship with the government of the United States, as defined by the U.S. Constitution, treaties, statutes, court decisions, and executive orders. These definitive authorities also serve as the basis for

the federal government's obligation to acknowledge the status of federally recognized tribes.

The BLM consults with federally recognized tribes, consistent with the Presidential Executive Memorandum dated April 29, 1994, on *Government-to-Government Relations with Native American Tribal Governments*; and Executive Order 13175 dated November 6, 2000, on *Consultation and Coordination with Indian Tribal Governments*.

Policies enacted by the USDOJ during August of 2012 require federal agencies to consult with Alaska Native Corporations—the entities created under the Alaska Native Claims Settlement Act (ANCSA) of 1971—on the same basis as American Indian or Alaska Native Tribes.

The BLM formally consults with federally recognized tribes and Alaska Native Corporations before making decisions or undertaking activities that will have a substantial, direct effect on federally recognized tribes, or their assets, rights, services, or programs. To this end, formal government-to-government consultation with federally recognized traditional governments and Alaska Native Corporations was initiated by written correspondence in April 2013 (see Appendix B).

The letter sent to all of the tribal governments and Alaska Native Corporations described the proposed action. The tribes and native corporations were provided with information on the project and were

asked to provide the BLM with their concerns about vegetation treatments with the three new active ingredients and their impacts on subsistence, religious, and ceremonial purposes and traditional cultural properties. The BLM also invited the tribes and native corporations to call if they had questions or concerns, or wanted additional information.

The BLM prepared an ANILCA Section 810 analysis of subsistence impacts to evaluate the potential impacts to subsistence pursuits in Alaska. This analysis is found in Appendix C of this PEIS.

## List of Preparers of the Programmatic EIS and BA

The following specialists (and company/agency and area of specialty) that participated in the development of this PEIS are listed below (Table 5-1). Because much of the information in this PEIS was summarized or incorporated by reference from the 2007 PEIS, the people who contributed to the 2007 PEIS also contributed to the current document. Those individuals, though not listed here, are included by reference (USDOJ BLM 2007a:5-5 to 5-9). Agencies included the BLM, USEPA, USFWS, and NMFS. Subcontractors that provided assistance to the BLM during preparation of the PEIS included AECOM (previously ENSR Corporation); Historical Research Associates (HRA); Planera, Inc. (Planera); and Paleo Consultants.

**TABLE 5-1**  
**List of Preparers of the Programmatic EIS/BA**

Contributor	Areas of Specialty	Years of Experience	Highest Degree/Education
<i>Bureau of Land Management</i>			
Francis Ackley	Wild Horses and Burros	29	B.S., Range and Forest Management
Cathi Bailey	Wild and Scenic Rivers	27	B.S., Wildland Recreation Management
Jerry Cordova	Native American and Alaska Native Issues and Tribal Liaison Coordinator	40	B.S., Political Science and Native American Studies
Scott Davis	Soil and Water Science, Forestry, and Ecology	39	M.S., Soil and Water Science
Mike DeArmond	Vegetation, Range, Emergency Stabilization and Rehabilitation, and Riparian Areas	35	B.S., Forest Management
Melissa Dickard	Wetlands and Riparian Areas	11	M.S., Wildlife and Fisheries Science

**TABLE 5-1 (Cont.)**  
**List of Preparers of the Programmatic EIS/BA**

<b>Contributor</b>	<b>Areas of Specialty</b>	<b>Years of Experience</b>	<b>Highest Degree/Education</b>
Scott Feldhausen	Fish and Fish Habitat, and Threatened, Endangered, and Sensitive Species Consultation	25	B.S., Fisheries
Coreen Francis	Forestry and Woodland Resources	21	M.F., Silviculture
Eric Geisler	Alaska State Program Lead Forestry, Weeds, Botany, Soils, Range, and Emergency Stabilization and Rehabilitation	40	Master of Management and Administration
Krista Gollnick-Wade	Fire and Fuels Management	30	M.S., Fire Ecology and Environmental Management
Leonard Gore	Data Coordinator	14	M.S., Geography
Doug Herrema	Special Areas (NLCS)	7	J.D., Law
Mike "Sherm" Karl	Plant Ecology, Livestock Grazing Management, Terrestrial Vegetation, and Rangelands	32	Ph.D., Rangeland Ecology
Lee Koss	Surface Water, Hydrology, and Riparian Restoration	43	B.S., Water Resource Management, Civil Engineering, and Biology
Richard Lee	Herbicide Use and Management, and Integrated Pest Management	30	Ph.D., Weed Science
Dave Maxwell	Air Quality, Smoke Management, and Climate	40	M.S., Air Pollution M.B.A., Business M.P.A., Public Administration
John McCarty	Visual Resource Management	32	B.S., Landscape Architecture
Dorothy Morgan	Recreation	20	B.S. Recreation and Parks Management
Arie Pals	Public Affairs	2	M.A., Sustainable Development Practice
Frank Quamen	Spatial Data Analyst	6	Ph.D., Wildlife Biology
Gina Ramos	Project Manager and Weed Management, Invasive Species, Pesticide Use, Range Management, and Economics	33	B.S., Range Science M.B.A., Business Administration
John Sherman	Wildlife Habitat	31	B.S., Wildlife Science and Microbiology
Josh Sidon	Economic Conditions and Social Environment	8	Ph.D., Economics
Carol Spurrier	Native Plant Communities, Species of Concern, and Threatened and Endangered Plants	34	M.S., Biology
Jeanne Standley	Natural Resources Specialist	23	B.S., Rangeland Resources
Paul Summers	Groundwater Hydrology and Water Resources	44	B.S., Geology and Water Resources
Rob Sweeten	Visual Resource Management	14	B.L., Landscape Architecture and Environmental Planning
Peter Teensma	Fire Ecology, Fire Management, and Air Quality Management	28	Ph.D., Geography
Kim Tripp	Threatened and Endangered Animals	18	M.S., Zoology
Jennifer Whyte	Rights-of-Way	7	M.P.A., Public Administration
Dana Wilson	Public Affairs	5	M.P.P., Public Policy

**TABLE 5-1 (Cont.)**  
**List of Preparers of the Programmatic EIS/BA**

<b>Contributor</b>	<b>Areas of Specialty</b>	<b>Years of Experience</b>	<b>Highest Degree/Education</b>
Kate Winthrop	Native American and Alaska Native Issues, Paleontology, and Cultural and Historic Resources	35	Ph.D., Anthropology
<b>AECOM</b>			
Alan Abramowitz	Archaeology and Anthropology	12	M.A., Anthropology
Kim Anderson	Assistant Project Manager, Vegetation, and Species of Concern,	15	M.S., Environmental and Forest Biology
Christine Archer	Ecological Risk Assessment	10	B.S., Zoology
Suzy Baird	Ecological Risk Assessment	7	M.S., Toxicology
Lisa Bradley	Human Health Risk Assessment	23	Ph.D., Toxicology
Kristen Durocher	Ecological Risk Assessment	11	M.S., Natural Resources and Terrestrial Ecology
Sarah Esterson	Air Quality/Greenhouse Gases	9	M.S., Public Administration
Michael Inman	Graphics	9	B.S., Geography
Adrienne Kielsing	Ecological Risk Assessment	8	M.S., Environmental Science with a specialty in Atmospheric Studies
George Lu	Greenhouse Gas Emissions and Climate Change	10	B.S., Environmental and Resource Sciences
Amanda MacNutt	Air Quality Dispersion Modeling	13	B.S., Meteorology
Glen Mejia	Fish, Wildlife, Livestock, and Wild Horses and Burros	17	B.A., Environmental Studies and Biology
Tina Mirabile	Water Resources	14	M.B.A., Business Administration
Robert Paine	Air Quality	31	M.S., Meteorology
Melissa Paliouras	Ecological Risk Assessment	7	B.S., Environmental Science
Stuart Paulus	Project Manager, NEPA Specialist, and Wildlife Ecology	34	Ph.D., Wildlife Ecology
Colin Plank	Ecological and Human Risk Assessment, and GLEAMS Modeling	12	M.S., Geology
Kelly Vosnakis	Human Health Risk Assessment	11	M.S., Civil and Environmental Engineering and Environmental Health